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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,702	08/09/1999	MIKE F.G. GEPPERT	SAMS01-00070	8401
23990	7590	07/18/2005	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER

2684

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/370,702	GEPPERT, MIKE F.G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Philip J Sobutka	2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 03 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim s 1,2,9,10,12,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al (US 5,889,816) in view of May (US 6,282,604).

Consider claims 1,9, Agrawal teaches a wireless network comprising: a plurality of base station communicating with a plurality of mobile stations (Agrawal see especially fig 1) a plurality of RF transceivers capable of transmitting and receiving at least one of voice and data signals with the mobile stations (Agrawal figure 4); and a call control processor capable of controlling the RF transceivers. Note that Agrawal teaches the control being implemented as software on the base station CPU (Agrawal, see especially col 7, lines 64-66). Agrawal teaches the control comprising a first state machine capable of performing a call processing task the first state machine capable of storing a plurality of events associated with a call processing task, each of the events operable to cause the first state machine to perform a selected action, wherein the first state machine is capable of communication with a second state machine of the call control processor by storing at least one event with the second state machine. (Agrawal see especially fig 6, FSM, finite state machines, col 8, lines 11-32). Note that Agrawal's state machine process events associated, i.e. originated, at other state machines, note

Art Unit: 2684

also that Agrawal's state machines utilize queues. Agrawal lacks a teaching of the state machines having external and internal queues and the first state machine storing events directly into the queue of a second state machine. May teaches a first state machine with external and internal queues storing items directly into the queue of a second state machine (May see especially fig 5, col 6, lines 1-16, col 11, lines 28-50). It would have been obvious to one of ordinary skill in the art to modify Agrawal to allow for direct communication between state machines as taught by May in order to make data transfer as efficient as possible by using the minimum number of control packets needed to service requests (May see especially col 2, lines 40-50).

As to claim 17, the system of Agrawal in view of May would perform the claimed steps.

As to claims 2,10, note the since the state machines perform control processing the state machines events would be received form other state machines (Agrawal see especially fig 1, col 8, lines 11-32).

3. Claims 6-8,14-16,18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al in view of May in view of Gulliford et al (US 5,995,831).

As to claims 6-8,14-16,18-20, Agrawal in view of May teaches everything claimed as shown above except for the state machine using array and table to respond to events. Note that Agrawal is silent as to the operation of the state machines. Gulliford teaches a telephone control system in which state machines respond to events based on an array and table which is a list linking events to responses (Gulliford see especially col 14, lines 45- col 16, line 40). It would have been obvious to one of ordinary skill in

Art Unit: 2684

the art to modify the state machines of Agrawal in view of May to operate as shown in Gulliford in order to ensure the state machines respond in a predetermined manner to events.

4. Claims 4,5,12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal in view of May in view of Burt et al (US 6,308,080).

Agrawal in view of May teaches everything claimed except one of the tasks being a periodic ping message. Burt et al teaches using a periodic ping message in a power control algorithm between a base and mobile (Burt see especially col 8, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Agrawal in view of May to program the operating system to have the state machine node execute a ping message as a part of power control algorithm as taught by Burt in order to ensure that the power was maintained at an appropriate level.

### **Response to Arguments**

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2684

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

10. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

Art Unit: 2684

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka

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PATENT EXAMINER/TELECOMM.  
E.O. 1/10/05